IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Con.Case(C).No. 1269 of 2007(S)

AGAINST THE JUDGEMENt IN WPC.1982/2005 Dated 06/12/2006

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PETITIONER:

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1. MSGR.THOMAS MALEKUDY, S/O JOSEPH,
   AGED 70 YEARS, MANAGER, NEWMAN COLLEGE,
   THODUPUZHA.

2. FR.PAUL N.C., S/O CHACKO, AGED 54 YEARS,
   PRINCIPAL, NEWMAN COLLEGE, THODUPUZHA.

BY ADV. SRI.BABY ISSAC ILLICKAL

RESPONDENT:

M.R.UNNI, S/O RAMACHANDRAN,
AGED 47 YEARS, REGISTRAR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

BY SC SRI. T.A. SHAJI.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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Cont. Case (C) No.1269 of 2007

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Dated this the 21st day of November, 2007

JUDGMENT

Petitioner alleges contempt in so far as Annexure A1 judgment has not been complied with. By Annexure A1 this court took note of the decision of the Apex Court in the decision reported in **The Secretary, Malankara Syrian Catholic College v. T. Jose & others** and directed the respondent to take a decision within six weeks. The matter related to the approval of appointment of the second petitioner as Principal. The case of the petitioner of course is that the institution is a minority institution.

2. I heard learned counsel for the petitioners and the respondents. According to the Standing Counsel for the University absolutely no case for contempt is made out. He refers to the following observations in Annexure A5 judgment rendered by the Division Bench in the appeal carried by the University against Annexure A1 judgment.

> "The appellant would contend that the minority status is to be declared by the Government and placed reliance on Annexure A1 judgment. That is not the point

> that arose for consideration in the Writ Petition. If any such point arises, it is always open to the appellant to raise such contention before the appropriate authority, in accordance with law."

I would think that in the light of this statement, it may not be possible for me to proceed in contempt.

Accordingly, the Contempt of Court Case is closed without prejudice to the right of the petitioners to challenge the order of the University.

(K.M. JOSEPH, JUDGE)

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